

# EXHIBIT 1

COMPLAINT FOR DAMAGES - 1

28 County, California at all times relevant hereto. Applera Corporation is and all times relevant  
 27 3. Defendant Applera Corporation was a corporation doing business in Alameda  
 26 12900 et seq.)  
 25 12926(c), part of the California Fair Employment and Housing Act ("FEHA," Govt. Code § §  
 24 "employee" of defendant Applera Corporation as that term is defined in California Govt. Code §  
 23 location, which is in Alameda County. Plaintiff was at all times relevant to this action an  
 22 Corporation. At all times relevant hereto, plaintiff worked at Applera Corporation's Pleasanton  
 21 employed as an Associate Production Chemist at Applied Biosystems, which is part of Applera  
 20 From on or about February 2002 and continuing to the present, plaintiff has been  
 19 1. Plaintiff Megan Kelly is an individual who resides in Alameda County.

GENERAL ALLEGATIONS

Plaintiff Megan Kelly alleges as follows:

15 Defendants.  
 14 inclusive,  
 13 APPLERA CORPORATION and DOES 1-20,  
 12 vs.  
 11 Plaintiff,  
 10 MEGAN KELLY,  
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Case No.: RG 07322056

COMPLAINT FOR DAMAGES

1. Failure to Engage in the Interactive  
 2. Failure to Accommodate  
 3. Employment Discrimination - Disability

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF ALAMEDA  
 UNLIMITED JURISDICTION

Maureen E. McFadden, SBN 203781  
 LAW OFFICES OF MAUREEN E. MCFADDEN  
 819 Bancroft Way  
 Berkeley, CA 94710  
 Ph (510) 845-5203  
 Fax (510) 868-0976  
 Attorney for Plaintiff  
 MEGAN KELLY

APR 23 2007  
 FILED  
 ALAMEDA COUNTY  
 CLERK OF THE SUPERIOR COURT  
 By Esther Coleman, Deputy

BY FAX

Exhibit 1-2

## COMPLAINT FOR DAMAGES - 2

28 experiencing serious instability in her right ankle. Tests performed by plaintiff's disability  
 27 The re-injury was quite serious, in that plaintiff's ankle did not heal well, and she continued  
 26 physicians diagnosed plaintiff with another ankle sprain, and she was again taken off of work.  
 25 to multiple tasks at the same time, plaintiff re-injured her right ankle. Emergency room  
 24 9. On or about September 21, 2004, while moving about extensively and attending  
 23 Plaintiff was pressured to get orders done quickly, and was seldom able to sit down.  
 22 to. However, defendants were extraordinarily busy during this timeframe, and short-handed.  
 21 As part of her return to work, plaintiff was supposed to be able to sit down whenever she needed  
 20 2004, after a short medical leave and physical therapy, plaintiff was released to return to work.  
 19 8. On or about July 6, 2004, plaintiff tripped and sprained her ankle. In September  
 18 herein.  
 17 7. Plaintiff incorporates by reference paragraphs 1-6 above, as though fully set forth

(Against all Defendants)

Failure to Engage in the Interactive Process in Good FaithFIRST CAUSE OF ACTION

13 agency/employment, with the knowledge/consent of the remaining defendants.  
 12 the acts alleged, was acting both individually and within the course and scope of such  
 11 6. Each of the defendants was the agent of the remaining defendants, and in doing  
 10 are therefore liable to her as alleged hereinafter.  
 9 each of the fictitiously named defendants is responsible for the wrongful acts alleged herein, and  
 8 same becomes known to her. Plaintiff is informed and believes and based thereon alleges that  
 7 leave to amend this complaint to insert the true names and capacities of said defendants when the  
 6 this time and therefore said defendants are sued by such fictitious names. Plaintiff will seek  
 5 otherwise of the defendants named herein as DOES 1-20, inclusive, are unknown to plaintiff at  
 4 5. The true names and capacities, whether individual, corporate, associate, or  
 3 4. The acts and omissions described herein all occurred in Alameda County.  
 2 12926(d), 12940(a), and 12940(g)(4)(a).  
 1 hereto has been plaintiff's "employer" as that term is defined in California Govt. Code § §

Exhibit 1-3

## COMPLAINT FOR DAMAGES - 3

insurer in or about January 2005 to evaluate plaintiff's readiness to return to work seriously injured plaintiff's left wrist, requiring a visit to the emergency room. Several subsequent falls further aggravated the ankle injury, and plaintiff also sustained wrist injuries in some of those falls.

10. Plaintiff's ankle condition is a physical impairment that limited her ability to perform the major life activity of work. Plaintiff's ankle condition constituted a physical disability within the meaning of Govt. Code § 12926(k).

11. The severity of plaintiff's disability required her to remain off of work for a period of time. Plaintiff presented defendants with physicians' notes in support of her requests for time off of work. Plaintiff also regularly left telephone messages with her immediate supervisor, Jonathan Laosiri, regarding her status and the progress of her recovery.

12. In January 2006, plaintiff's physicians determined that she was well enough to return to work, with restrictions on the number of hours she could work, a restriction on lifting any more than 20 lbs, and a requirement that she sit down every hour for at least 10 minutes. Plaintiff provided defendants with a physician's note authorizing her to return to work, and specifying these restrictions.

13. Plaintiff's immediate supervisor failed to return plaintiff's calls with regard to getting back to work. She then approached defendant's HR department directly, and against explained that she was authorized to return to work, and the nature of her work restrictions.

14. Defendant made no effort to get plaintiff back to work. Instead, the company summarily informed plaintiff that she could not return to work unless she either had no restrictions at all and/or could work at least 20 hours per week.

15. From January 2006 to the present, plaintiff has continued to seek accommodations that would allow her to return to work. Defendants have continued to refuse to offer plaintiff reasonable accommodations that would allow her to return to work, all without having first engaged in the interactive process in good faith with plaintiff.

16. Govt. Code § 12940(n) makes it illegal "for an employer . . . to fail to engage in a timely, good faith interactive process with the employee or applicant to determine effective

Exhibit 1-4

## COMPLAINT FOR DAMAGES - 4

1 reasonable accommodation by an employee or applicant with a known physical or mental  
 2 disability or known medical condition."  
 3 17. By refusing to given any consideration whatsoever to plaintiff's request for  
 4 accommodation, defendants violated their obligation to engage in the interactive process,  
 5 contrary to Govt. Code § 12940(n).  
 6 18. Plaintiff filed a timely charge of disability discrimination with the California  
 7 Department of Fair Employment and Housing (DFEH), naming Applied Biosystems as a  
 8 respondent in the body of said complaint. Plaintiff has received a right to sue notice for this  
 9 charge pursuant to Govt. Code § 12965(b). Plaintiff filed this action within one year from the  
 10 date she received her "right to sue" letter from the DFEH, and has therefore properly exhausted  
 11 her administrative remedies.  
 12 19. As a direct and proximate result of the wrongful acts of defendants, and each of  
 13 them, plaintiff has suffered and continues to suffer physical pain, severe emotional distress,  
 14 including without limitation, depression, hopelessness, embarrassment, humiliation, degradation,  
 15 loss of self-esteem, and mental anguish. As a result, plaintiff is entitled to general and  
 16 compensatory damages according to proof.  
 17 20. As a further direct and proximate result of the wrongful acts of defendants  
 18 described herein, plaintiff has been forced to hire an attorney to prosecute her claims, and has  
 19 incurred and will continue to incur attorneys' fees and costs. Plaintiff is entitled to recover such  
 20 attorneys' fees and costs under Govt. Code § 12965(b).  
 21 21. The outrageous conduct of defendants described herein was done with malice,  
 22 fraud, and oppression, with conscious disregard for plaintiff's rights, and with the intent, design  
 23 and purpose of injuring her. Defendants, through their officers, managing agents and/or  
 24 supervisors, authorized, condoned, and/or ratified the unlawful conduct alleged herein. By reason  
 25 thereof, plaintiff is entitled to punitive or exemplary damages from all defendants in a sum  
 26 according to proof at trial.  
 27  
 28

Exhibit 1-5

## COMPLAINT FOR DAMAGES - 5

22. Plaintiff incorporates by reference paragraphs 1-21 above, as though fully set forth herein.

23. Pursuant to Govt. Code § 12940(m), defendants had a duty to accommodate Plaintiff's ankle condition. Despite actual knowledge of Plaintiff's disability, and multiple requests for accommodation, defendants refused to offer any reasonable accommodations to allow Plaintiff to return to work. In doing the foregoing acts, defendants failed to accommodate Plaintiff's disability, in violation of Govt. Code § 12940(m).

24. Plaintiff filed a timely charge of disability discrimination with the California Department of Fair Employment and Housing (DFEH), naming Applied Biosystems as a respondent in the body of said complaint. Plaintiff has received a right to sue notice for this charge pursuant to Govt. Code § 12965(b). Plaintiff filed this action within one year from the date she received her "right to sue" letter from the DFEH, and has therefore properly exhausted her administrative remedies.

25. As a direct and proximate result of the wrongful acts of defendants, and each of them, Plaintiff has suffered and continues to suffer physical pain, severe emotional distress, including without limitation, depression, hopelessness, embarrassment, humiliation, degradation, loss of self-esteem, and mental anguish. As a result, Plaintiff is entitled to general and compensatory damages according to proof.

26. As a further direct and proximate result of the wrongful acts of defendants described herein, Plaintiff has been forced to hire an attorney to prosecute her claims, and has incurred and will continue to incur attorneys' fees and costs. Plaintiff is entitled to recover such attorneys' fees and costs under Govt. Code § 12965(b).

27. The outrageous conduct of defendants described herein was done with malice, fraud, and oppression, with conscious disregard for Plaintiff's rights, and with the intent, design and purpose of injuring her. Defendants, through their officers, managing agents and/or

**SECOND CAUSE OF ACTION****Failure to Accommodate****(Against all Defendants)**

Exhibit 1-6

## COMPLAINT FOR DAMAGES - 6

including without limitation, depression, hopelessness, embarrassment, humiliation, degradation, them, plaintiff has suffered and continues to suffer physical pain, severe emotional distress,

32. As a direct and proximate result of the wrongful acts of defendants, and each of 3288 and/or any other provision of law providing for prejudgment interest.

damages together with prejudgment interest pursuant to Civil Code § 3287 and or Civil Code § reputation, all in an amount subject to proof at the time of trial. Plaintiff claims such amounts as loss of employment-related opportunities for growth in her field and damage to her professional including without limitation, loss of earnings and other employment benefits and the intangible has been harmed in that she has suffered actual, consequential and incidental financial losses,

31. As a direct and proximate result of the wrongful actions of defendants, plaintiff her administrative remedies.

date she received her "right to sue" letter from the DFEH, and has therefore properly exhausted charge pursuant to Govt. Code § 12965(b). Plaintiff filed this action within one year from the respondent in the body of said complaint. Plaintiff has received a right to sue notice for this Department of Fair Employment and Housing (DFEH), naming Applied Biosystems as a

30. Plaintiff filed a timely charge of disability discrimination with the California plaintiff's physical disabilities.

allow plaintiff to return to work, were adverse and discriminatory actions taken based on 29. The above-described conduct, including but not limited to defendant's refusal to

forth herein. 28. Plaintiff incorporates by reference paragraphs 1-27 above, as though fully set

(Against all Defendants)

Employment Discrimination – Disability

THIRD CAUSE OF ACTION

according to proof at trial. thereof, plaintiff is entitled to punitive or exemplary damages from all defendants in a sum supervisors, authorized, condoned, and/or ratified the unlawful conduct alleged herein. By reason

Exhibit 1-7

COMPLAINT FOR DAMAGES - 7

Attorney for Plaintiff  
MEGAN KELLY

Maureen E. McFadden

By:

LAW OFFICES OF MAUREEN E. MCFADDEN

DATED: April 23, 2007

1. For compensatory and general damages in an amount according to proof;
2. For punitive damages;
3. For statutory attorneys' fees and costs;
4. For pre-judgment and post-judgment interest according to any applicable provision of law, according to proof;
5. For costs of suit; and
6. For such other and further relief as the court deems proper.

WHEREFORE, Plaintiff requests the following judgment and relief:

according to proof at trial.

thereof, plaintiff is entitled to punitive or exemplary damages from all defendants in a sum

supervisors, authorized, condoned, and/or ratified the unlawful conduct alleged herein. By reason

and purpose of injuring her. Defendants, through their officers, managing agents and/or

fraud, and oppression, with conscious disregard for plaintiff's rights, and with the intent, design

34. The outrageous conduct of defendants described herein was done with malice,

attorneys' fees and costs under Govt. Code § 12965(b).

incurred and will continue to incur attorneys' fees and costs. Plaintiff is entitled to recover such

described herein, plaintiff has been forced to hire an attorney to prosecute her claims, and has

33. As a further direct and proximate result of the wrongful acts of defendants

compensatory damages according to proof.

loss of self-esteem, and mental anguish. As a result, plaintiff is entitled to general and



Exhibit 1-8

<b>FOR COURT USE ONLY</b> <b>FILED</b> <b>APR 23 2007</b> <b>ALAMEDA COUNTY</b> CLERK OF THE SUPERIOR COURT By Esther Coleman, Deputy		<b>ENDORSED</b> <b>FILED</b> <b>APR 23 2007</b> <b>ALAMEDA COUNTY</b> CLERK OF THE SUPERIOR COURT By Esther Coleman, Deputy					
<b>CIVIL CASE COVER SHEET</b> CASE NAME: <b>Meghan Kelly v. Appleton Corporation et al.</b> BRANCH NAME: <b>Reed C. Davidson Courthouse</b> CITY AND ZIP CODE: <b>Oakland, CA 94612</b> MAILING ADDRESS: <b>1225 Fallon Street</b> STREET ADDRESS: <b>Alameda</b> SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Alameda</b> ATTORNEY FOR PLAINTIFF: <b>Plaintiff: Meghan Kelly</b> ATTORNEY FOR DEFENDANT: <b>Plaintiff: Meghan Kelly</b> TELEPHONE NO.: <b>(510) 845-5203</b> FAX NO.: <b>(510) 868-0976</b> LAW OFFICES OF MAUREEN E. MCRAIDEN 819 Bancroft Way Berkeley, CA 94710		<b>CIVIL CASE COVER SHEET</b> (Amount) <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount) <input type="checkbox"/> Limited <input type="checkbox"/> Unlimited exceeds \$25,000 or less) demanded is (Cal. Rules of Court, rule 3.402) Filed with first appearance by defendant Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder JUDGE: <b>RC07322056</b> DEPT:					
1. Check one box below for the case type that best describes this case: <table border="0"> <tr> <td> <input checked="" type="checkbox"/> Auto Tort  <input type="checkbox"/> Auto (22)  <input type="checkbox"/> Uninsured motorist (46)  <input type="checkbox"/> Other PIP/DMD (Personal Injury/Property Damage/Wrongful Death) Tort  <input type="checkbox"/> Asbestos (04)  <input type="checkbox"/> Product liability (24)  <input type="checkbox"/> Medical malpractice (45)  <input type="checkbox"/> Other PIP/DMD (23)  <input type="checkbox"/> Non-PIP/DMD (Other) Tort  <input type="checkbox"/> Business tort/unfair business practices (07)  <input type="checkbox"/> Civil rights (08)  <input type="checkbox"/> Defamation (13)  <input type="checkbox"/> Fraud (16)  <input type="checkbox"/> Intellectual property (18)  <input type="checkbox"/> Professional negligence (25)  <input type="checkbox"/> Other non-PIP/DMD tort (36)  <input type="checkbox"/> Employment  <input type="checkbox"/> Wrongful termination (38)  <input type="checkbox"/> Other employment (15)           </td> <td> <input type="checkbox"/> Contract  <input type="checkbox"/> Breach of contract/warranty (05)  <input type="checkbox"/> Collections (08)  <input type="checkbox"/> Insurance coverage (10)  <input type="checkbox"/> Other contract (37)  <input type="checkbox"/> Real Property  <input type="checkbox"/> Eminent domain/inverse condemnation (14)  <input type="checkbox"/> Wrongful eviction (33)  <input type="checkbox"/> Other real property (26)  <input type="checkbox"/> Unlawful Detainer  <input type="checkbox"/> Commercial (31)  <input type="checkbox"/> Residential (32)  <input type="checkbox"/> Drugs (35)  <input type="checkbox"/> Judicial Review  <input type="checkbox"/> Asset forfeiture (06)  <input type="checkbox"/> Partition re: arbitration award (11)  <input type="checkbox"/> Writ of mandate (02)  <input type="checkbox"/> Other judicial review (38)           </td> <td> <input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)  <input type="checkbox"/> Antitrust/Trade regulation (03)  <input type="checkbox"/> Construction defect (10)  <input type="checkbox"/> Mass tort (40)  <input type="checkbox"/> Securities litigation (28)  <input type="checkbox"/> Environmental/tort (30)  <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)  <input type="checkbox"/> Enforcement of Judgment  <input type="checkbox"/> Enforcement of Judgment (20)  <input type="checkbox"/> Miscellaneous Civil Complaint  <input type="checkbox"/> RICO (27)  <input type="checkbox"/> Other complaint (not specified above) (42)  <input type="checkbox"/> Miscellaneous Civil Partition  <input type="checkbox"/> Partnership and corporate governance (21)  <input type="checkbox"/> Other partition (not specified above) (43)           </td> </tr> </table>				<input checked="" type="checkbox"/> Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <input type="checkbox"/> Other PIP/DMD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/DMD (23) <input type="checkbox"/> Non-PIP/DMD (Other) Tort <input type="checkbox"/> Business tort/unfair business practices (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (18) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/DMD tort (36) <input type="checkbox"/> Employment <input type="checkbox"/> Wrongful termination (38) <input type="checkbox"/> Other employment (15)	<input type="checkbox"/> Contract <input type="checkbox"/> Breach of contract/warranty (05) <input type="checkbox"/> Collections (08) <input type="checkbox"/> Insurance coverage (10) <input type="checkbox"/> Other contract (37) <input type="checkbox"/> Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (35) <input type="checkbox"/> Judicial Review <input type="checkbox"/> Asset forfeiture (06) <input type="checkbox"/> Partition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (38)	<input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. 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2. This case <input type="checkbox"/> is <input checked="" type="checkbox"/> is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: <table border="0"> <tr> <td> <input type="checkbox"/> Large number of separately represented parties  <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  <input type="checkbox"/> Substantial amount of documentary evidence  <input type="checkbox"/> Substantial postjudgment judicial supervision           </td> <td> <input type="checkbox"/> a. Large number of separately represented parties  <input type="checkbox"/> b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  <input type="checkbox"/> c. Substantial amount of documentary evidence  <input type="checkbox"/> d. Substantial postjudgment judicial supervision           </td> <td> <input type="checkbox"/> e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  <input type="checkbox"/> f. Substantial postjudgment judicial supervision           </td> <td> <input type="checkbox"/> a. Large number of separately represented parties  <input type="checkbox"/> b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve  <input type="checkbox"/> c. Substantial amount of documentary evidence  <input type="checkbox"/> d. Substantial postjudgment judicial supervision           </td> </tr> </table>				<input type="checkbox"/> Large number of separately represented parties <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve <input type="checkbox"/> Substantial amount of documentary evidence <input type="checkbox"/> Substantial postjudgment judicial supervision	<input type="checkbox"/> a. Large number of separately represented parties <input type="checkbox"/> b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve <input type="checkbox"/> c. Substantial amount of documentary evidence <input type="checkbox"/> d. Substantial postjudgment judicial supervision	<input type="checkbox"/> e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court <input type="checkbox"/> f. Substantial postjudgment judicial supervision	<input type="checkbox"/> a. Large number of separately represented parties <input type="checkbox"/> b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve <input type="checkbox"/> c. Substantial amount of documentary evidence <input type="checkbox"/> d. Substantial postjudgment judicial supervision
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3. Type of remedies sought (check all that apply): <input checked="" type="checkbox"/> monetary <input type="checkbox"/> nonmonetary; declaratory or injunctive relief <input type="checkbox"/> punitive 4. Number of causes of action (specify): 3 5. This case <input type="checkbox"/> is <input checked="" type="checkbox"/> is not a class action suit. 6. If there are any known related cases, file and serve a notice of related cases. (You may use form CM-015.) Date: <b>April 23, 2007</b> Maureen E. McRadden (TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)							
<b>NOTICE</b> Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding. • Unless this is a complex case, this cover sheet will be used for statistical purposes only. Page 1 of 2 Form Adopted for Mandatory Use Judicial Council of California CM-010 form, January 1, 2007 American LegalNet, Inc. www.AmericanLegalNet.com Cal. Rules of Court, rules 3.220, 3.400-3.403 Standards of Judicial Administration, § 18 www.courtinfo.ca.gov							

BY FAX

Exhibit 1-9

**SUMMONS**  
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):  
Appraiser Corporation and DOBS 1-20, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):  
Meghan Kelly

**FILED**  
**ALAMEDA COUNTY**  
**APR 23 2007**  
By Esther Coleman, Deputy  
CLERK OF THE SUPERIOR COURT

**ENDORSED**  
(SOLO PARA USO DE LA CORTE)  
FOR COURT USE ONLY

**SUM-100**

**30 DAYS BEFORE THE HEARING:**  
You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case, there may be a court form that you can use for your response. You can find these court forms and more information at the Alameda County Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

**There are other legal requirements.** You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org). The California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp) or by contacting your local court or county bar association.

**30 DAYS BEFORE THE HEARING:** You must file a copy of this summons and legal papers with the court. If you do not, the court may enter a default judgment against you. You must also file a copy of this summons and legal papers with the court. If you do not, the court may enter a default judgment against you.

**THE NAME AND ADDRESS OF THE COURT IS:**  
Alameda County Superior Court, 1225 Fallon Street, Oakland, CA  
Renae C. Davidson Courthouse

**THE NAME, ADDRESS, AND TELEPHONE NUMBER OF PLAINTIFF'S ATTORNEY, OR PLAINTIFF WITHOUT AN ATTORNEY, IS:**  
Maureen E. McFadden, Law Offices of Maureen E. McFadden, Ph (510) 845-5203, Fax (510) 868-0976, 819 Bancroft Way, Berkeley, CA 94710

**DATE:** APR 20 2007  
**FILED:** APR 20 2007

**CLERK BY:** ESTHER COLEMAN  
**DEPUTY:** (Adjunto)

**NOTICE TO THE PERSON SERVED: Proof of Service of Summons (Form POS-010).**  
(Para prueba de entrega de este citación use el formulario Proof of Service of Summons, (POS-010)).

**1.** ☐ as an individual defendant  
**2.** ☐ as the person sued under the fictitious name of (specify):  
**3.** ☐ on behalf of (specify):  
**4.** ☐ By personal delivery on (date):  
☐ other (specify):  
under: ☐ CCP 418.10 (corporation)  
☐ CCP 418.20 (defunct corporation)  
☐ CCP 418.40 (association or partnership)  
☐ CCP 418.70 (conservatee)  
☐ CCP 418.90 (authorized person)

**Form Attached for Plaintiff Use**  
JWSM-100 (Rev. January 1, 2004)

**Page 1 of 1**  
Code of Civil Procedure §§ 412.20, 405  
Alameda County, CA (www.courtinfo.ca.gov/selfhelp)

# EXHIBIT 2

Exhibit 2-1

Case No. RG07-322056

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

LITTLER MENDELSON  
A Professional Corporation  
250 California Street  
20th Floor  
San Francisco, CA 94108-2693  
(415) 433-1940

Additionally, without assuming the burden of proof on any matters that would otherwise rest with Plaintiff, and expressly denying any and all wrongdoing, Applera asserts the following separate and distinct affirmative defenses to Plaintiff's unverified Complaint.

### AFFIRMATIVE DEFENSES

Pursuant to Section 431.30(d) of the California Code of Civil Procedure, Applera answers the Complaint filed by Plaintiff by generally denying each and every allegation contained therein, by denying that Plaintiff has been damaged in any amount, or at all, or has sustained any damages as a result of the conduct alleged therein.

### GENERAL DENIAL

Defendant APPLERA CORPORATION ("Applera"), answers the unverified Complaint ("Complaint") filed by Plaintiff MEGAN KELLY ("Plaintiff") as follows:

<p>ANSWER BY DEFENDANT APPLERA CORPORATION TO PLAINTIFF'S UNVERIFIED COMPLAINT</p> <p>Complaint Filed: April 23, 2007</p>	<p>Plaintiff,</p> <p>MEGAN KELLY,</p> <p>v.</p> <p>APPLERA CORPORATION and DOES I-20, inclusive,</p> <p>Defendants.</p>
---	---

**BY FAX**

Case No. RG07-322056

COUNTY OF ALAMEDA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

CLERK OF THE SUPERIOR COURT  
By Esther Coleman, Deputy

**ENDORSED**  
**FILED**  
ALAMEDA COUNTY  
JUN 07 2007

JOHN M. SKONBERG, Bar No. 069409  
TYLER M. PAETKAU, Bar No. 146305  
MICHAEL G. PEDHURNEY, Bar No. 233164  
LITTLER MENDELSON  
A Professional Corporation  
650 California Street  
20th Floor  
San Francisco, CA 94108-2693  
Telephone: 415.433.1940  
Attorneys for Defendant  
APPLERA CORPORATION

Exhibit 2-2

Case No. RG07-322056

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
550 California Street  
20th Floor  
San Francisco, CA 94108-2003  
415.433.1840

2.

any of its employees, if any, agents, or representatives.

Applera had no knowledge of any discriminatory or otherwise unlawful behavior by

(No Knowledge Of Unlawful Conduct)

**SIXTH AFFIRMATIVE DEFENSE**

nondiscriminatory reasons.

The employment actions complained of by Plaintiff were based on legitimate,

(Legitimate, Non-Discriminatory Personnel Actions)

**FIFTH AFFIRMATIVE DEFENSE**

including timely charge filing requirements and the exhaustion of all administrative remedies.

Plaintiff failed to comply with applicable procedural and administrative prerequisites

(Failure to Exhaust Administrative Remedies)

**FOURTH AFFIRMATIVE DEFENSE**

limited to California Government Code sections 12960 and 12965(b).

Plaintiff's claims are barred by the applicable statute of limitations, including but not

(Statute of Limitations)

**THIRD AFFIRMATIVE DEFENSE**

Defendants.

singly or in combination, fails to state facts sufficient to constitute a cause of action against Doe

The Complaint, and each and every cause of action thereof, whether considered

(Failure to State a Claim Against Doe Defendants)

**SECOND AFFIRMATIVE DEFENSE**

to constitute a cause of action against Applera.

Neither the Complaint, nor any cause of action set forth therein, states facts sufficient

(Failure to State a Claim)

**FIRST AFFIRMATIVE DEFENSE**

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
550 California Street  
20th Floor  
San Francisco, CA 94104-2000  
415.423.1540

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# SEVENTH AFFIRMATIVE DEFENSE

(Exercise of Reasonable Care to Prevent Discrimination)

Applera exercised reasonable care to prevent and promptly correct any discriminatory or other unlawful behavior.

# EIGHTH AFFIRMATIVE DEFENSE

(Conduct Outside the Course and Scope of Employment)

To the extent employees engaged in any discriminatory or otherwise unlawful behavior, the alleged acts were committed outside the course and scope of employment.

# NINTH AFFIRMATIVE DEFENSE

(Avoidable Consequences Doctrine)

Plaintiff's claims, in whole or in part, are barred, or any recovery should be reduced, pursuant to the avoidable consequences doctrine, because Applera took reasonable steps to prevent and correct workplace discrimination, Plaintiff unreasonably failed to use the preventative and corrective opportunities provided to employees by Applera, and reasonable use of the Applera's procedures would have prevented at least some of the harm that the Plaintiff allegedly suffered.

# TENTH AFFIRMATIVE DEFENSE

(No Protected Disability)

Plaintiff was not a qualified individual with a disability in that Plaintiff could not perform the essential functions of the position with or without reasonable accommodation.

# ELEVENTH AFFIRMATIVE DEFENSE

(No Reasonable Accommodation)

Assuming that Plaintiff made a request for reasonable accommodation, Applera alleges that Plaintiff's requested accommodation is unreasonable.

# TWELFTH AFFIRMATIVE DEFENSE

(Undue Hardship)

Assuming that Plaintiff made a request for reasonable accommodation, Applera alleges that Plaintiff's requested accommodation imposes an undue hardship.

3.

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Case No. RG07-322056

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
850 California Street  
20th Floor  
San Francisco, CA 94108-2803  
415.433.1840

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### THIRTEENTH AFFIRMATIVE DEFENSE

(Direct Threat)

Employment of Plaintiff in the position in question would have posed a direct threat to the health or safety of Plaintiff.

### FOURTEENTH AFFIRMATIVE DEFENSE

(Failure to Cooperate in Interactive Process)

Plaintiff's Complaint, and each and every cause of action contained therein, are barred in whole or in part because of her failure to cooperative in good faith in the interactive process.

### FIFTEENTH AFFIRMATIVE DEFENSE

(Disruption of Interactive Process)

Plaintiff's Complaint, and each and every cause of action contained therein, are barred in whole or in part because of Plaintiff's direct or indirect responsibility for any alleged breakdown in, or disruption of, the interactive process.

### SIXTEENTH AFFIRMATIVE DEFENSE

(No Harm Caused by Alleged Failure to Engage in Interactive Process)

Plaintiff suffered no harm or other prejudice as a result of Appera's alleged failure to initiate or properly conduct the interactive process because, at all material times, a reasonable accommodation of Plaintiff's alleged disability was not possible; thus, Plaintiff's Complaint, and each and every cause of action contained therein, are barred in whole or in part, or fail as a matter of law.

### SEVENTEENTH AFFIRMATIVE DEFENSE

(After-Acquired Evidence)

To the extent during the course of this litigation it acquires any evidence of Plaintiff's wrongdoing, such after-acquired evidence bars Plaintiff's claims of liability or damages or reduces such claims as provided by law.

4.

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

Case No. RG07-322056



Exhibit 2-5

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
500 California Street  
20th Floor  
San Francisco, CA 94104-2083  
415.433.1940

Case No. RG07-322056

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

5.

make reasonable efforts to mitigate, minimize or avoid any alleged losses or damages.

Any award to Plaintiff must be reduced on the basis that Plaintiff failed and refused to

(Failure to Mitigate)

## TWENTY-FIRST AFFIRMATIVE DEFENSE

related reasons, if any.

Plaintiff for related reasons, if any; and state unemployment compensation paid to Plaintiff for disability payments to Plaintiff for related claims, if any; federal Social Security benefits paid to by order of the California Workers' Compensation Appeals Board, on related claims, if any; state entitled to a set-off for each of the following, respectively and separately: damages paid to Plaintiff If Plaintiff is judged to be entitled to any recovery based on her Complaint, Applera is

(Set-Offs)

## TWENTY-SECOND AFFIRMATIVE DEFENSE

alleged injuries or damages.

reduced by an amount proportionate to the amount by which said acts caused or contributed to said contributed to by Plaintiff's own acts or failure to act and that Plaintiff's recovery, if any, should be The injuries and damages alleged in the Complaint were caused by and/or were

(Plaintiff's Conduct)

## NINETEENTH AFFIRMATIVE DEFENSE

providing workers compensation coverage without any charge to the employee.

employment; the alleged injury was proximately caused by her employment; and Applera was growing out of and incidental to her employment and was acting within the course and scope of her Compensation provisions; at the time of such alleged injury Plaintiff was performing services alleged injury to Plaintiff occurred at a time when she was subject to California Workers' statutes, including California Labor Code section 3601, *et seq.*, inasmuch as any compensable result of Applera's conduct, her claim is preempted by the California Workers' Compensation Inssofar as Plaintiff alleges she suffered from any physical or emotional injury as a

(Workers' Compensation Preemption)

## EIGHTEENTH AFFIRMATIVE DEFENSE



Exhibit 2-6

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
850 California Street  
20th Floor  
San Francisco, CA 94108-2083  
415.433.1940

Case No. RG07-322056

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

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punitive damages.

The United States and California Constitutions bar any claim by Plaintiffs for (Unconstitutionality of Punitive Damages)

**TWENTY-SIXTH AFFIRMATIVE DEFENSE**

Fees and costs may be granted.

Plaintiff has failed to state facts sufficient to constitute a claim for which attorneys' (Failure to State Grounds for Attorneys' Fees and Costs)

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

and not the result of any act or omission by Apple.

To the extent Plaintiff suffered any symptoms of mental or emotional distress or injury, it was the result of a pre-existing psychological disorder or alternative concurrent cause(s).

(Alternative Concurrent Sources of Emotional Distress)

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to state facts sufficient to constitute a claim for punitive damages.

(Failure to State Grounds for Punitive Damages)

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

hands and/or laches.

Plaintiff's claims are barred by the equitable doctrines of estoppel, waiver, unclean

(Estoppel, Waiver, Unclean Hands and/or Laches)

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Exhibit 2-7

Case No. RG07-322056

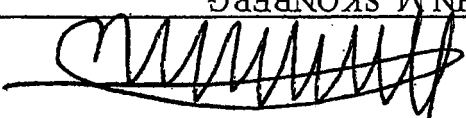
DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
850 California Street  
20th Floor  
San Francisco, CA 94108-2892  
415.433.1910

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JOHN M. SKONBERG  
TYLER M. PAETKAU  
MICHAEL G. PEDHIRNEY  
LITTLER MENDELSON  
A Professional Corporation  
Attorneys for Defendant  
APPLERA CORPORATION



Dated: June 7, 2007

and proper.

1. That Plaintiff takes nothing by her Complaint and that the Complaint be dismissed in its entirety, with prejudice;
2. That Applera be awarded full judgment in this action;
3. That Applera be awarded costs of suit and attorneys' fees incurred herein; and
4. That Applera be awarded such other and further relief as the Court deems just

WHEREFORE, Applera prays:

Exhibit 2-8

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PROOF OF SERVICE CASE RG07322056

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
20th Floor  
550 California Street  
San Francisco, CA 94104, 2007  
415.433.1940

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by facsimile transmission on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number 415.399.8490. The transmission was reported as complete and without error. The names and facsimile numbers of the person(s) served are as set forth below.



> ANSWER BY DEFENDANT APPLERA CORPORATION  
TO PLAINTIFF'S UNVERIFIED COMPLAINT

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 650 California Street, 20th Floor, San Francisco, California 94108.2693. On June 7, 2007, I served the within document(s):

PROOF OF SERVICE

BY FAX

PROOF OF SERVICE

Complaint Filed: April 23, 2007

Case No. RG07-322056

COUNTY OF ALAMEDA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

MEGAN KELLY,  
Plaintiff,  
v.  
APPLERA CORPORATION and DOES 1-  
20, inclusive,  
Defendants.

JOHN M. SKONBERG, Bar No. 069409  
TYLER M. PAETKAU, Bar No. 146305  
MICHAEL G. PEDHURNEY, Bar No. 233164  
LITTLER MENDELSON  
A Professional Corporation  
650 California Street  
20th Floor  
San Francisco, CA 94108.2693  
Telephone: 415.433.1940  
Attorneys for Defendant  
APPLERA CORPORATION

CLERK OF THE SUPERIOR COURT  
By Esther Coleman, Deputy

ENDORSED  
FILED  
ALAMEDA COUNTY  
JUN 07 2007

Exhibit 2-9

PROOF OF SERVICE CASE RG07322056

LITTLER MENDELSON  
A PROFESSIONAL CORPORATION  
850 California Street  
20th Floor  
San Francisco, CA 94108-2893  
415.433.1840

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Mora L. Torres

above is true and correct. Executed on June 7, 2007, at San Francisco, California.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing and for shipping via overnight delivery service. Under that practice it would be deposited with the U.S. Postal Service or if an overnight delivery service shipment, deposited in an overnight delivery service pick-up box or office on the same day with postage or fees thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the

Maureen E. McFadden, Esq.  
Law Offices of Maureen E. McFadden  
819 Bancroft Way  
Berkeley, CA 94710  
Fax: (510) 868-0976

☒ by placing a true copy of the document(s) listed above for collection and mailing thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth below.

☐ by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.

☐ by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

# EXHIBIT 3

Exhibit 3-1

KELLY 0185

Stefan Lazar  
Employee Relations Mgr.  
Aplera Corporation

Sincerely,

Please contact HR Direct at (866) 654-3411 if you have any questions.

Beginning February 1, 2007, you will be eligible to continue insurance coverage under COBRA. You will receive a packet in the mail explaining your continuation options along with COBRA enrollment instructions and forms.

On January 3, 2007 you will have exhausted all available leave of absence time and it is our intention to process a termination effective that date.

Our records indicate that your last day at work with Applied Biosystems was September 21, 2004. On September 22, 2004 you were placed on a Leave of Absence.

Dear Ms. Kelly,

Megan Kelly  
2009 McGee, No. 2  
Berkeley, CA 94703

October 30, 2006

**Aplera**  
Corporation  
850 Lincoln Centre Drive  
Foster City, CA  
94404 USA

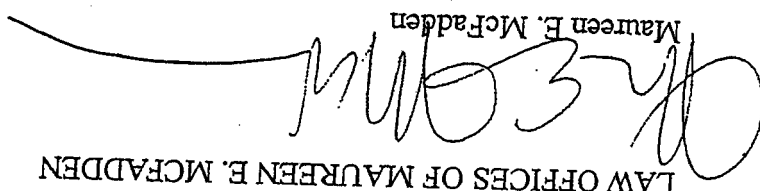
# **EXHIBIT 4**

Exhibit 4-1

KELLY 0190

cc. Client

Encl.

Maureen E. McFadden  
  
LAW OFFICES OF MAUREEN E. MCFADDEN

Very Truly Yours,

Our demand letter will follow shortly.

Please be advised that this office represents Megan Kelly as to her employment-related claims against Applied Biosystems, and direct all future communications to my attention. Enclosed is a request for Ms. Kelly's personnel file and related documents. Please forward these documents to me at your earliest opportunity.

To Whom It May Concern:

Re: Megan Kelly/Applied Biosystems

Administrator/HR Client Services  
Applied Biosystems/Aplera Corporation  
850 Lincoln Centre Drive  
Foster City, CA 94404

**VIA FEDERAL EXPRESS**

819 Bancroft Way  
Berkeley, CA 94710  
www.mcfaddenlaw.net

December 22, 2006

Ph (510) 845-5203  
Fax (510) 868-0976  
maureen@mcfaddenlaw.net

**LAW OFFICES OF MAUREEN E. MCFADDEN**



Exhibit 4-2

KELLY 0191

Date 10/21/08

Megan Kelly  
Megan Kelly

819 Bancroft Way  
Berkeley, CA 94710  
Ph (510) 845-5203  
Fax (510) 868-0976

MAUREEN E. MCFADDEN  
LAW OFFICES OF MAUREEN E. MCFADDEN

Please direct these documents to the attention of my attorney:

- My personnel file
- Any other documents pertaining to my performance
- Any other documents I signed at any time relating to my employment with Applied Biosystems.

Pursuant to Labor Code § § 432 and 1198.5, I hereby request a copy of the following documents:

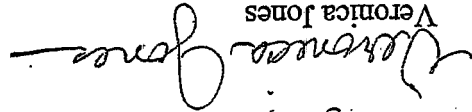
# EXHIBIT 5

Exhibit 5-1

KELLY 0166

Senior Manager, Employee Relations

Veronica Jones



Kind regards,

If you have any questions, please do not hesitate to contact me at 650.638.5426.

Please find enclosed the contents of Megan Kelly's personnel file; all documents pertaining to her performance, if any; and any other documents she signed at any time relating to her employment with Applied Biosystems.

Dear Ms. McFadden:

Re: Megan Kelly

Maureen E. McFadden  
Law Offices of Maureen E. McFadden  
819 Bancroft Way  
Berkeley, CA 94710

January 3, 2007

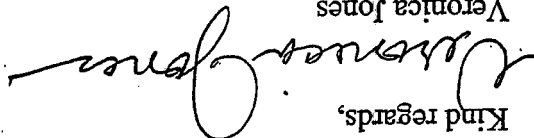
**Applera**  
Corporation  
850 Lincoln Centre Drive  
Foster City, CA  
94404 USA

Exhibit 5-2

KELLY 0156

Senior Manager, Employee Relations

Veronica Jones



Kind regards,

If you have further questions, please do not hesitate to contact me at 650.638.5426.

Please find enclosed copies of additional documents pertaining to Megan Kelly's employment at Applied Biosystems.

Dear Ms. McFadden:

Re: Megan Kelly

Maureen E. McFadden  
Law Offices of Maureen E. McFadden  
819 Bancroft Way  
Berkeley, CA 94710

January 10, 2007

# **EXHIBIT 9**

CELEBRA

AB Applied Biosystems

T (203) 840-2000  
www.applera.com

Exhibit 6-1

D:\WD 021 - 01012007-03312007L-McFadden-Kelly.doc

KELLY 0150

cc: V. Jones

Senior Director, Attorney

Charles J. Heinzer

Sincerely,

Please direct any further correspondence regarding Ms. Kelly to my attention.  
We are open to discussing this matter in order to reach a solution.

Dear Ms. McFadden:

Re: Megan Kelly

Maureen E. McFadden, Esq.  
819 Bancroft Way  
Berkeley, CA 94710

VIA E-MAIL AND U.S. MAIL

March 6, 2007

301 Merritt 7  
Norwalk, CT 06851

Applera Corporation

# **EXHIBIT 7**

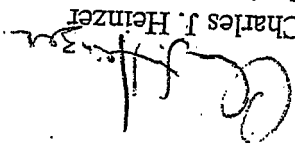
T (203) 840-2000  
www.applera.com

D:\WD 021 - 01012007-03312007L-McFadden-Kelly-3-28-2007.doc

Exhibit 7-1

KELLY 0147

cc: V. Jones

Sincerely,  
  
Charles J. Heinzer  
Senior Director, Attorney

Applera's Human Resources Department recently attempted to contact Ms. Kelly to set up a meeting regarding her return to work. The Company has not heard from her. May I ask you to contact your client and let us know when she desires to discuss her return.

Dear Ms. McFadden:

Re: Megan Kelly

Maureen E. McFadden, Esq.  
819 Bancroft Way  
Berkeley, CA 94710

VIA E-MAIL AND U.S. MAIL

March 28, 2007

**Applera**  
Corporation  
301 Merritt 7  
Norwalk, CT 06851



# EXHIBIT 8

**From:** maureen@mcfaddenlaw.net  
**To:** heinzecj@applera.com  
**CC:**  
**Subject:** Re: Megan Kelly  
**Date:** Thursday, March 29, 2007 10:36:04 AM

I returned the message from Ms. Jones on behalf of my client, and have not heard back from her. As we have advised repeatedly, Ms. Kelly has been available and able to return to work for well over a year now.

----- Original Message -----

**From:** "Jane B Lambert"  
**To:** maureen@mcfaddenlaw.net  
**Subject:** Megan Kelly  
**Date:** Wed, 28 Mar 2007 17:11:55 -0400

Ms. McFadden:

Please find attached a letter from Charles Heinzer regarding Megan Kelly. The original will be sent to you via U.S. Mail.

Regards,  
Jane

Jane B. Lambert  
Executive Assistant  
Legal Department  
Applera Corporation  
Phone: 203.840.2908  
Fax: 203.840.2922

----- Forwarded by Jane B Lambert/CTO/PEC on 03/28/2007 05:09 PM -----

**To:** lamberjb@applera.com  
**cc:**  
**Subject:**

The following document has been scanned and attached to this Email:  
0328191539.pdf

<<0328191539.pdf>>

Maureen E. McFadden  
Law Offices of Maureen E. McFadden  
819 Bancroft Way  
Berkeley, CA 94710  
Ph (510) 845-5203

KELLY 0148

Print

Exhibit 8-1

# **EXHIBIT 6**

Exhibit 9-1

KELLY 0142

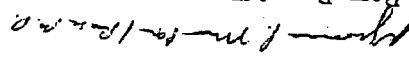
Please see attached note with work restrictions for Megan Kelly.

To:	Veronica Jones
Fax:	(650) 638-6705
Phone:	
Date:	5/18/2007
Subject:	Kelly/Applied Biosystems
From:	Maureen E. McFadden
Fax:	(510) 868-0976
Phone:	(510) 845-5203

**LAW OFFICES OF MAUREEN E. MCFADDEN**  
819 Bancroft Way, Berkeley, CA 94710

Exhibit 9-2

KELLY 0143

Sincerely,  
  
Barry Rose, MD  
Orthopedic Surgeon  
Fremont Clinic

If you have any questions, please feel free to call my office at (510) 490-1222.  
My patient, Megan Kelly, is currently under my care for her wrists. She was seen and evaluated in the office today, May 9, 2007. She may return to work with restrictions. She should not lift more than 2 lbs with either hand. She should avoid repetitive movements with either hand/wrist for prolonged periods, no longer than 15 minutes at a time. She may file and pour liquids with these limitations.

To Whom It May Concern:

MRN# 15221641

May 9, 2007

Berkeley, CA 94703


Apr 2

2009 McGee Ave

Megan Kelly

3200 Kearney Street  
Fremont, CA 94538  
(510) 490-1222  
www.pamf.org

Fremont Center

  
Palo Alto Medical  
Foundation  
A Sutter Health Affiliate

# EXHIBIT 10

Exhibit 10 - 1

KELLY 0145

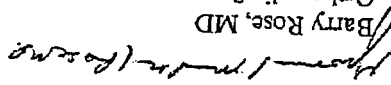
Please see attached note with work restrictions for Megan Kelly.

To:	Veronica Jones
Fax:	(650) 638-6705
Phone:	
Date:	5/3/2007
Subject:	Kelly/Applied Biosystems
From:	Maureen E. McFadden
Fax:	(510) 868-0976
Phone:	(510) 845-5203

**LAW OFFICES OF MAUREEN E. MCFADDEN**  
819 Bancroft Way, Berkeley, CA 94710

Exhibit 10-2

KELLY 0146

Sincerely,  
  
Barry Rose, MD  
Orthopedic Surgeon  
Fremont Clinic

If you have any questions, please feel free to call my office at (510) 490-1222.

My patient, Megan Kelly, is currently under my care for her wrists. She may return to work with restrictions. She should not lift more than 2 lbs with either hand. She should avoid repetitive movements with either hand/wrist for prolonged periods, no longer than 15 minutes at a time. She may file and pour liquids with these limitations.

To Whom It May Concern:

MRN# 15221641

April 25, 2007

Berkeley, CA 94703

Apt 2

2009 Mcgee Ave

Megan Kelly

www.pamf.org


(510) 490-1222

Fremont, CA 94538

3200 Kearney Street

Fremont Center

A Sutter Health Affiliate

 Palo Alto Medical  
Foundation



# EXHIBIT 11

Exhibit 11-1

KELLY 0139

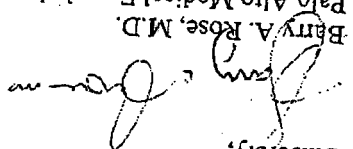
Please see attached note with work restrictions for Megan Kelly.

To:	Veronica Jones	From:	Maureen E. McFadden
Fax:	(650) 638-6705	Fax:	(510) 868-0976
Phone:		Phone:	(510) 845-5203
Date:	5/29/2007	Subject:	Kelly/Applied Biosystems

**LAW OFFICES OF MAUREEN E. MCFADDEN**  
819 Bancroft Way, Berkeley, CA 94710

Exhibit 11-2

KELLY 0140

Sincerely,  
  
Barry A. Rose, M.D.  
Palo Alto Medical Foundation  
Fremont Center  
3200 Kearney Street  
Fremont, CA 94538

If you have any questions, please do not hesitate to call my office at (510) 490-1222.  
Megan Kelly was seen and evaluated in clinic today. She may return to part-time work with limited repetitive activities.


To Whom It May Concern:

Megan Kelly  
2009 McGehee Ave  
Berkeley, CA 94703  
Apr 2

May 24, 2007

3200 Kearney Street  
Fremont, CA 94538  
(510) 490-1222  
www.pamf.org

Fremont Center

 Palo Alto Medical  
Foundation  
A Sutter Health Affiliate

# EXHIBIT 12

Exhibit 12-1

KELLY 0137

Please see attached note with work restrictions for Megan Kelly.

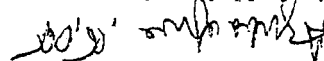
To:	Veronica Jones
Fax:	(650) 638-6705
Phone:	
From:	Maureen E. McFadden
Fax:	(510) 868-0976
Phone:	(510) 845-5203
Date:	5/30/2007
Subject:	Kelly/Applied Biosystems

**LAW OFFICES OF MAUREEN E. MCFADDEN**  
819 Bancroft Way, Berkeley, CA 94710

Exhibit 12-2

5915 Bldg. A Hollis Street • Emeryville, California 94608 • Tel: 510.923.0700 • Fax: 510.923.0500

Azika Nwigwe, DPT



Sincerely,

KELLY 0138

See above.

above.

6. Coordinate training for operators, which may involve any or all of the activities listed above.
- Megan must take a 10 minute break from typing, after 20 minutes, for rest or change of task.
5. Routinely perform data collection for OEB, which requires manipulating Excel spreadsheets and performing simple calculation using standard keyboard and mouse.
- Megan needs to wear her wrist brace at all times while working and must avoid extreme positions of wrist flexion or extension during this task.
4. Regularly assist operators with total preventive maintenance, which requires wiping down instruments and workbenches with wipes; returning tools to their designated location; and performing visual checks on instruments.
- Megan must take a 10 minute break from typing, after 20 minutes, for rest or change of task.
3. Redline SOPs using standard writing implements and or personal computer.
- Megan may not subject the wrist and hand to repeated pressure and vibration; should avoid reconstructing the vibration plates.
2. Regularly inspect CORE packaging, including reconstruction of vibrating plates.
- Megan is limited to only 5 pounds of weight maximally at this time and must take breaks to rest the right wrist/hand every 20 minutes.
1. Regularly, and as needed, assemble MicroRNA boxes, requiring bending, stooping, and lifting.

Regarding her job description:

Megan Kelly is currently receiving physical therapy care s/p arthroscopic surgery for right wrist TFCC tear. She presents with pain, weakness, decreased ROM and decreased functional use of her right hand as a result. Megan wears a wrist splint during the day for activities of daily living to preserve her recovery and prevent injury. We recommend the following work restrictions to continue promoting her full recovery.

To Whom It May Concern:

5/25/07

PACIFIC  
Orthopaedic & Sports Rehabilitation

# EXHIBIT 13

Exhibit 13-1

KELLY 0133

Please see attached note with work restrictions for Megan Kelly.

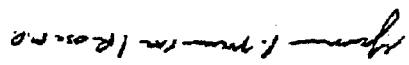
To:	Veronica Jones	From:	Maureen E. McFadden
Fax:	(650) 638-6705	Fax:	(510) 868-0976
Phone:		Phone:	(510) 845-5203
Date:	6/1/2007	Subject:	Kelly/Applied Biosystems

**LAW OFFICES OF MAUREEN E. MCFADDEN**  
**819 Bancroft Way, Berkeley, CA 94710**



Exhibit 13-2

KELLY 0134

  
Barry A. Rose, M.D.  
Palo Alto Medical Foundation  
Fremont Center

Sincerely,

If you have any questions, please do not hesitate to call my office at (510) 490-1222.

Megan Kelly was seen and evaluated in clinic today. She may return to part-time work, which is 20 hours a week, with limited repetitive activities.

To Whom It May Concern:


MIRN# 15221641

May 31, 2007

Megan Kelly  
2009 McGee Ave  
Apt 2  
Berkeley, CA 94703

3200 Kearney Street  
Fremont, CA 94538  
(510) 490-1222  
www.pamf.org

Fremont Center

  
Palo Alto Medical  
Foundation  
A Sutter Health Affiliate